

Appl. No. 09/669,492  
Amdt. Dated: December 18, 2003  
Reply to Office Action of: June 18, 2003

### **REMARKS**

Applicant wishes to thank the Examiner for reviewing the present application.

Applicants submit herewith an amended set of claims that are believed to further and clearly patently distinguish over the art applied by the examiner. Claim 1 has been amended to recite that the temporal members of the frame together with the first and second bridge is comprised of a flexible shape memory alloy. As noted by the examiner in respect to the rejection of claim 19, the principal reference of Zider does not disclose temporal members and temporal extensions being of a flexible material. Accordingly, it is believed that the rejection of claim 1 under 35 U.S.C.102 is overcome.

Claim 8 has been deleted and claim 10 amended in a similar manner to recite that at least a portion of the temporal member of the primary frame is formed from a shape memory alloy. Accordingly, claim 10 and claim 14 and 16 dependent on claim 10 are also believed to overcome the U.S.C.102(e) objection.

Claims 11, 13, 15, 17 and 18 have been cancelled and accordingly, the rejection thereof is moot. Claim 21 is dependant upon claim 10 and similarly thereby distinguishes by the recitation in claim 10 of the nature of the temporal member.

Claims 22 through 25 have been deleted and accordingly, the rejection thereof is moot.

The examiner has also rejected claim 10 and claims dependent thereon under 35 U.S.C. 102(b) in view of the Japanese Patent 138374. This reference however, does not disclose magnetic connections between the primary frame and the auxiliary frame and clearly discloses a mechanical connection. Claim 10 recites a magnetic connection between the primary and auxiliary frames which is not disclosed in the Japanese reference and accordingly, the rejection under 35 U.S.C. 102(b) is believed to be overcome.

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The examiner's rejection under 35 U.S.C. 103 of claim 3 in view of Zider is respectfully traversed. As noted above, and as acknowledged by the examiner, Zider does not disclose the provision of a temporal member made of a flexible shape memory alloy. Accordingly, even assuming that Zider discloses explicitly or implicitly the particular alloy, it does not disclose the provision of the flexible temporal members and as such, does not render claim 3 that depends on claim 1 obvious. There is no motivation or suggestion of the use of flexible shape memory alloys in the temporal members in the Zider reference and as such, it is believed that claim 3 clearly and patentably distinguishes over Zider.

Claim 19 previously on file has been cancelled but claim 16 as a consequence of the amendments made to claim 10 is of scope similar to that of claim 19. The examiner has rejected the subject matter of previous claim 19 as unpatentable over Zider in view of Masugana. It is noted that Masugana does not disclose the provision of an auxiliary frame. Moreover, the teachings of the provision of a flexible frame, lead away from the provision of an auxiliary frame in view of the inherently flexible nature of the support for the auxiliary frame. As such, far from encouraging the use of an auxiliary frame, the Masugana reference teaches away from the incorporation of such a frame.


Moreover, the provision of the primary frame of Masugana being made from a nonmagnetic material, further teaches away from the adoption of the Masugana technology within the teachings of Zider. There is simply no motivation to consider utilizing a magnetic connection between the primary and auxiliary frames with the arrangement shown in Masugana in view of the inherent incompatibility between the two systems. The applicants have recognized that the particular combination claimed in claim 16 provides a device in which the provision of the shape memory alloy in the temporal members reduces the loads placed on the primary frame, particularly at the temporal portions. Thus the magnetic connections are not subject to significant deflection and can stably support the auxiliary lens. However, there is no teaching in Masugana and no teaching in Zider of the attributes of that particular combination and accordingly, it is believed that the subject matter of claim 16 clearly and patentably distinguishes over the art.

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Accordingly, it is believed that the application is in order for allowance and further action to that end is respectfully requested.

Applicant requests early reconsideration and allowance of the present application.

Respectfully submitted,



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